



#11
wm

Attorney Docket No. 66182

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Abrahams, Marc David)

Serial No.: 09/618,321)

Filed: July 18, 2000)

For: METHOD AND SYSTEM FOR
ANIMATED AND PERSONALIZED
ON-LINE PRODUCT PRESENTATION)

Group Art
Unit: 2172)

Examiner: Alam, Shahid Al)

Express Mail No. EV 322440501 US

RECEIVED

DEC 01 2003

Technology Center 2100

APPEAL BRIEF UNDER 37 C.F.R. § 1.192

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Appellant submits this Appeal Brief under 37 C.F.R.
§ 1.192 appealing the final rejection of claims 1-22 in
the Final Rejection mailed July 2, 2003.

11/22/2003 22:27:00 00000070 061135 06610321
01 001401 330.00 DA

APPELLANT'S BRIEF

A Notice of Appeal and corresponding fee for this application was filed by facsimile on September 24, 2003.

A Fee Transmittal is included herewith to cover the appeal brief fee set forth in 37 C.F.R. § 1.17(c). In accordance with 37 C.F.R. § 1.192(c), Appellant provides the following:

(1) Real Party in Interest

The real party in interest in the subject application is the assignee Sony Corporation and Sony Electronics Inc.

(2) Related Appeals and Interferences

No related appeals or interferences are known to Appellant.

(3) Status of Claims

Claims 1-22 are pending in the subject application.

Claims 1-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,848,399 to Burke ("Burke") in view of U.S. Patent No. 5,237,157 to Kaplan ("Kaplan").

The rejection of claims 1-22 is being appealed.

(4) Status of Amendments

No amendments have been presented during the prosecution of this application, and no amendments have been filed subsequent to Final Rejection. Therefore, claims 1-22 remain in their original, as-filed form.

(5) Summary of Invention

The present invention provides a method of providing a product presentation to a user. The method includes the steps of: retrieving personalization data for a particular user from a database; assembling display data that is configured to render a three-dimensional display area on a video display, the display area including images of one or more products that are selected based on the personalization data; sending the display data through a computer network for display on a client computer video display; receiving a communication from the client computer through the computer network, the communication resulting from interactions with the display area; and updating the personalization data for the particular user in the database based on the communication.

The present invention also provides a system for providing a product presentation to a user. The system includes a database configured to store personalization data for a particular user. A communication device is configured to provide a connection to a computer network. A processing system is configured to retrieve the personalization data from the database, assemble display data that is configured to render a three-dimensional display area on a video display with the display area including images of one or more products that are selected based on the personalization data, send the display data through the computer network for display on a client computer video display, receive a communication from the client computer through the computer network with the communication resulting from interactions with the display area, and update the

personalization data for the particular user in the database based on the communication.

(6) Issues on Appeal

The following issues are presented for review:

Issue 1: Whether Burke in view of Kaplan, taken as a whole, discloses or suggests Appellant's claimed use of personalization data;

Issue 2: Whether the alleged personalization features allegedly disclosed in Kaplan may be properly combined with the system disclosed in Burke; and

Issue 3: Whether Burke teaches processing data included in a communication with a personalization engine.

(7) Grouping of Claims

A statement that the claims of a group do not stand or fall together is not included with this appeal brief.

(8) Argument

The limitations in Appellant's rejected independent claim 1 which are not disclosed or suggested by Burke in view of Kaplan are as follows:

"retrieving personalization data for a particular user from a database;

.

the display area including images of one or more products that are selected based on the personalization data;"

These limitations are referred to herein as Appellant's claimed use of personalization data, but this designation shall not be construed to limit or construe the actual claim language in any way. Appellant's independent claim 12 recites similar language.

Appellant's specification states that the displayed products and images in the virtual and animated room may be chosen based on the user's personalization data. This provides a personalized shopping experience for the user in that an assortment of products are selected and presented to the user based on the user's tastes and preferences.

Appellant submits that the rejections of independent claims 1 and 12 should be withdrawn because (i) Burke in view of Kaplan, taken as a whole, does not suggest Appellant's claimed use of personalization data; and (ii) the alleged personalization features allegedly disclosed in Kaplan cannot be properly combined with the system disclosed in Burke. Additionally, Appellant submits that the rejections of dependent claims 6 and 17 should be withdrawn because (iii) Burke does not teach processing data included in a communication with a personalization engine.

(i) Burke in view of Kaplan, taken as a whole, does not disclose or suggest Appellant's claimed use of personalization data:

The Examiner has admitted that "Burke does not explicitly teach personalization data as claimed". (Final Rejection mailed 7/2/03, page 7, middle of page; see also, Office Action mailed 1/27/03, page 4, lower portion of page). As such, the Examiner relies on Kaplan as allegedly teaching Appellant's claimed

personalization data. Specifically, beginning in the middle of page 7 of the Final Rejection mailed 7/2/03, the Examiner points to Kaplan's discussion of profile data. However, Appellant can find nothing in Kaplan that discloses that images of one or more products are selected based on the profile data for a particular user, and therefore, Appellant submits that Kaplan does not disclose or suggest the above recited claim limitations.

For example, the Examiner cites Kaplan's Abstract, which states the following:

"Subscriber selection and profile data are collected and stored. The invention also provides for transmission of subscriber selection and subscriber profile data to a central database for collection and processing by the central processing unit." (Kaplan, Abstract, lines 8-12).

This language simply does not disclose or teach that images of one or more products are selected based on the profile data for a particular user. The Examiner also cites Kaplan's column 3, lines 39-46 and lines 47-52, which states the following:

"The selection and input data from the subscriber is collected from each kiosk location and is transmitted to be stored in a central database for analysis by the central processing unit. Through the central processing unit, the subscriber selection and subscriber profile data can be analyzed, packaged, and distributed as information products to the entire music industry as timely and focused market research.

It is therefore an object of the present invention to provide a computer age 'listening booth.' Consumers will be offered the ability to preview music before purchasing selections at record stores. Preview and associated purchase data is collected and stored to

provide music industry market research data."
(Kaplan, col. 3, lines 39-52).

Again, this language simply does not disclose or teach that images of one or more products are selected based on the profile data for a particular user. Instead, the language states that the profile data can be analyzed, packaged, and distributed as timely and focused market research, and that preview and associated purchase data is collected and stored to provide music industry market research data.

In the Final Rejection mailed 7/2/03 the Examiner additionally cites Kaplan's column 5, lines 42-44, which states the following:

"The central database 60 can maintain a library of subscribers with subscriber profile information and specific preview activity."
(Kaplan, col. 5, lines 42-44).

Again, this language simply does not disclose or teach that images of one or more products are selected based on the profile data for a particular user.

In the Final Rejection mailed 7/2/03 the Examiner asserts that he has given detailed explanations of the claimed limitations and pointed out the exact location in the cited references and highlighted some portions of the references. (Final Rejection mailed 7/2/03, page 2, lines 11-12). The Examiner, however, has not pointed out where Burke discloses Appellant's claimed use of personalization data because, again, the Examiner has admitted that Burke does not explicitly teach personalization data as claimed. With respect to Kaplan, Appellant has reviewed the locations and highlighted portions that the Examiner asserts teaches the claimed personalization data. But Appellant submits

that, as discussed above, these portions of Kaplan simply do not disclose or suggest Appellant's claimed use of personalization data.

The Examiner also asserts in the Final Rejection mailed 7/2/03 that Appellant is attempting to show nonobviousness by attacking the references individually, presumably in response to Appellant's argument that Kaplan does not disclose Appellant's claimed use of personalization data. (Final Rejection mailed 7/2/03, page 3, lines 1-8). In response to this assertion by the Examiner, Appellant focused on Kaplan in their previous remarks because, again, the Examiner has plainly admitted that Burke does not explicitly teach personalization data as claimed and the Examiner is relying on Kaplan to show these limitations. Appellant understands that the rejections are based on the combination of Burke and Kaplan, but this combination of references, taken as a whole, does not disclose the subject limitations because the subject limitations are nowhere to be found in either reference.

Therefore, Appellant submits that Kaplan does not disclose a display area including "images of one or more products that are selected based on the personalization data" for a particular user, as is recited in claim 1. Furthermore, the Examiner admits that Burke does not explicitly teach personalization data as claimed. Because neither of the references relied on by the Examiner teach Appellant's claimed use of personalization data, the references, taken as a whole, do not suggest or disclose all of the subject matter of Appellant's independent claim 1. Similarly, the references, taken as a whole, do not suggest or disclose all of the subject matter of Appellant's independent

claim 12. As such, the rejections of Appellant's claims 1 and 12 should be withdrawn, and the rejections of dependent claims 2-11 and 13-22 should also be withdrawn for at least these same reasons.

(ii) The alleged personalization features allegedly disclosed in Kaplan cannot be properly combined with the system disclosed in Burke:

Appellant submits that a *prima facie* case of obviousness has not been established because Burke cannot be properly combined with Kaplan. Specifically, in making the rejection the Examiner is presumably proposing that Burke somehow be modified according to the alleged personalization teachings of Kaplan¹ in order to create a system having the above-recited limitations of Appellant's claim 1. However, section 2143.01 of the MPEP states:

"If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. In re Gordon, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984)."

MPEP § 2143.01 Suggestion or Motivation To Modify the References.

Modifying Burke to use personalization data as recited in Appellant's claim 1 (and as allegedly taught by Kaplan according to the Examiner) would render Burke unsatisfactory for its intended purpose. This is

¹ As discussed in Section (i) hereof, Appellant disagrees that Kaplan discloses or teaches Appellant's claimed use of personalization data, which is why Appellant refers to the "alleged" personalization features "allegedly" disclosed in Kaplan.

because Burke's intended purpose or function is to display what a consumer would actually view in a real store. Namely, Burke teaches that the consumer is allowed to select a product category. (Burke, col. 7, lines 52-67). Burke states that "[t]he displayed product category appears to be very similar to what a consumer would actually view in a real store, such as shown in FIG. 14." (Burke, col. 8, lines 2-4) (emphasis added). Any attempted modification to Burke's system to somehow make it display products based on a particular user's personalization data would destroy Burke's intended function of displaying what a consumer would actually view in a real store, which means that a person of ordinary skill in the art would not be motivated to make such modification. Therefore, Burke cannot be used to establish a *prima facie* case of obviousness of Appellant's claims 1 and 12 and the rejections should be withdrawn.

Furthermore, Burke teaches that "the research database 67 tracks consumer's actions in a manner which is transparent to the consumer." (Burke, col. 6, lines 59-61). This also teaches away from the invention as claimed by Appellant. Namely, Appellant uses "personalization data" to select specific images that will be sent to the consumer, which means the consumer directly views an image which is the result of the system using the personalization data. Any attempted modification to Burke's system to somehow make it display products based on a particular user's personalization data would destroy Burke's intended function of transparently tracking a consumer's actions because such modification will cause the consumer to view and experience the results of the tracking. This

is another reason why it would not be obvious to modify Burke in order to achieve the invention claimed by Appellant.

Next, section 2143 of the MPEP states:

"To establish a *prima facie* case of obviousness there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings."

MPEP § 2143 Basic Requirements of a *Prima Facie* Case of Obviousness.

There is no motivation in Burke to be modified in the manner proposed by the Examiner because Burke actually teaches away from the selection of products being based on a particular user's personalization data. Namely, Burke's aim of displaying what a consumer would actually view in a real store teaches directly against Appellant's personalized shopping experience where the selection of displayed products is based on a particular user's personalization data.

In the Final Rejection mailed 7/2/03 the Examiner asserts that once a *prima facie* case of obviousness is established, "it is incumbent upon appellant to go forward with objective evidence of unobviousness." (Final Rejection mailed 7/2/03, page 3, lines 16-20). But this statement misses the point. The point Appellant has made is that a *prima facie* case of obviousness has not been established and cannot be established because the alleged personalization features allegedly disclosed in Kaplan cannot be properly combined with the system disclosed in Burke for the above-described reasons. Moreover, while the Examiner

states that he "concludes that Burke and Kaplan's invention are similar and are combinable" (Final Rejection mailed 7/2/03, page 2, lines 19-20), the Examiner has simply not responded to Appellant's argument that any attempted modification to Burke's system to somehow make it display products based on a particular user's personalization data would destroy Burke's intended function of displaying what a consumer would actually view in a real store. This argument must be considered as mandated by the Manual of Patent Examining Procedure (MPEP), cited above.

In the Final Rejection mailed 7/2/03, the Examiner also appears to try to support his argument that a *prima facie* case of obviousness has been established by citing an MPEP rule that states that claims must be given their broadest reasonable interpretation. (Final Rejection mailed 7/2/03, bottom of page 3 through page 4). It is unclear how the Examiner is applying this rule because he has not provided specifics with respect to the claim language of this application. But Appellant submits that even when the claim language for Appellant's claimed use of personalization data is given its broadest reasonable interpretation, any attempted modification to Burke's system to somehow make it operate in accordance with such claim language would destroy Burke's intended function of displaying what a consumer would actually view in a real store. As such, a *prima facie* case of obviousness of Appellant's claims 1 and 12 has not been established.

Therefore, Appellant submits that a *prima facie* case of obviousness has not been established because the alleged personalization features allegedly disclosed in

Kaplan may not be properly combined with the system disclosed in Burke. As such, the rejections of Appellant's independent claims 1 and 12 should be withdrawn, and the rejections of dependent claims 2-11 and 13-22 should also be withdrawn for at least these same reasons.

(iii) Burke does not teach processing data included in a communication with a personalization engine:

Appellant's dependent claim 6 recites:

"6. A method in accordance with claim 1, wherein the step of updating the personalization data comprises the step of:
processing data included in the communication with a personalization engine."

Appellant's dependent claim 17 includes similar language.

The Examiner asserts that Burke's column 9, lines 13-29 teach processing data included in the communication with an engine. (Final Rejection mailed 7/2/03, page 8, lines 15-16). The Examiner provides no further explanation, and Appellant notes that the Examiner simply states "engine" rather than "personalization engine" as claimed. Appellant respectfully disagrees with the Examiner's assertion and submits that there is simply no teaching of processing with a personalization engine in this portion of Burke. Instead, this portion of Burke talks about manipulating input devices and trackball motion. In fact, Appellant cannot find the words "personalization" or "engine" anywhere in Burke. Furthermore, the Examiner has provided no basis as to why the subject claims might be

obvious based on this portion of Burke. As such, the rejections of Appellant's dependent claims 6 and 17 are improper and should be withdrawn.

C O N C L U S I O N

Therefore, Appellant submits that the rejection based on Burke in view of Kaplan has been overcome and that the rejection of independent claim 1, as well as all of its respective dependent claims, should be withdrawn. The rejection of independent claim 12, as well as its respective dependent claims, should also be withdrawn for the same reasons.

In view of the above, Appellants submit that the pending claims are in condition for allowance, and prompt and favorable action is earnestly solicited. However, should there remain any outstanding issues that require adverse action, it is respectfully requested that the Examiner or Board of Appeals telephone Richard E. Wawrzyniak at (858) 552-1311 so that such issues may be resolved as expeditiously as possible.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY



Date: 11/21/03

Richard E. Wawrzyniak

Reg. No. 36,048

Address all correspondence to:

FITCH, EVEN, TABIN & FLANNERY
120 So. LaSalle Street, Suite 1600
Chicago, Illinois 60603
Tel. (858) 552-1311
Fax (858) 552-0095

APPENDIX

Claims:

1. A method of providing a product presentation to a user, comprising the steps of:

retrieving personalization data for a particular user from a database;

assembling display data that is configured to render a three-dimensional display area on a video display, the display area including images of one or more products that are selected based on the personalization data;

sending the display data through a computer network for display on a client computer video display;

receiving a communication from the client computer through the computer network, the communication resulting from interactions with the display area; and

updating the personalization data for the particular user in the database based on the communication.

2. A method in accordance with claim 1, wherein the communication comprises an instruction to select one of the product images in the display area.

3. A method in accordance with claim 1, wherein the communication comprises an instruction to manipulate one of the product images in the display area.

4. A method in accordance with claim 1, further comprising the step of:

assembling modified display data that is configured to render a modified display area having at least a portion of a selected one of the product images shown in more detail.

5. A method in accordance with claim 4, further comprising the step of:

sending the modified display data through the computer network for display on the client computer video display.

6. A method in accordance with claim 1, wherein the step of updating the personalization data comprises the step of:

processing data included in the communication with a personalization engine.

7. A method in accordance with claim 1, wherein the communication comprises a request for an audio file.

8. A method in accordance with claim 1, further comprising the step of:

sending an audio file through the computer network to the client computer.

9. A method in accordance with claim 1, wherein the communication comprises one or more search terms.

10. A method in accordance with claim 1, wherein the display area comprises an input box configured to receive search terms.

11. A method in accordance with claim 1, wherein the display area comprises a virtual room.

12. A system for providing a product presentation to a user, comprising:

a database configured to store personalization data for a particular user;

a communication device configured to provide a connection to a computer network; and

a processing system configured to retrieve the personalization data from the database, assemble display data that is configured to render a three-dimensional display area on a video display with the display area including images of one or more products that are selected based on the personalization data, send the display data through the computer network for display on a client computer video display, receive a communication from the client computer through the computer network with the communication resulting from interactions with the display area, and update the personalization data for the particular user in the database based on the communication.

13. A system in accordance with claim 12, wherein the communication comprises an instruction to select one of the product images in the display area.

14. A system in accordance with claim 12, wherein the communication comprises an instruction to manipulate one of the product images in the display area.

15. A system in accordance with claim 12, wherein the processing system is further configured to assemble

modified display data that is configured to render a modified display area having at least a portion of a selected one of the product images shown in more detail.

16. A system in accordance with claim 15, wherein the processing system is further configured to send the modified display data through the computer network for display on the client computer video display.

17. A system in accordance with claim 12, wherein the processing system is further configured to update the personalization data by processing data included in the communication with a personalization engine.

18. A system in accordance with claim 12, wherein the communication comprises a request for an audio file.

19. A system in accordance with claim 12, wherein the processing system is further configured to send an audio file through the computer network to the client computer.

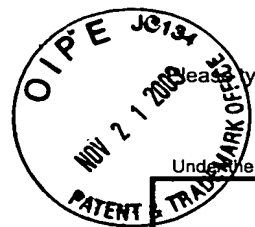
20. A system in accordance with claim 12, wherein the communication comprises one or more search terms.

21. A system in accordance with claim 12, wherein the display area comprises an input box configured to receive search terms.

22. A system in accordance with claim 12, wherein the display area comprises a virtual room.

11-24-03

AFB



Please type a plus sign (+) inside this box →

+

PTO/SB/21 (08-00)

Approval for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

Express Mail No. EV 322440501 US

(to be used for all correspondence after initial filing)

Application Number	09/618,321
Filing Date	July 18, 2000
First Named Inventor	Abrahams, Marc David
Group Art Unit	2172
Examiner Name	Alam, Shahid AI
Attorney Docket Number	66182

Total Number of Pages in This Submission

57

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form (in duplicate) <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <div style="text-align: center;"> <p>- Return Receipt Postcard</p> <p>RECEIVED</p> <p>DEC 01 2003</p> <p>Technology Center 2100</p> </div>
<div style="display: flex; justify-content: space-between;"> <div>Remarks</div> <div>- Appeal Brief Under 37 C.F.R. § 1.192 (18 pages - in triplicate)</div> </div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Richard E. Wawrzyniak, Ref. No. 36, 048 FITCH, EVEN, TABIN & FLANNERY		
Signature			
Date	11/21/03		

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

I hereby certify that this paper or fee is being deposited with the U. S. Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR §1.10 on the date indicated below and is addressed to: Mail Stop Appeal Brief - Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Express Mailing No. EV 322440501 US

November 21, 2003

Typed or printed name	Pamela M. Stone		
Signature		Date	November 21, 2003

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**FEE TRANSMITTAL
for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** \$330.00**Attorney Docket No.** 66182**Complete if Known**

Application Number	09/618,321
Filing Date	July 18, 2000
First Named Inventor	Abrahams, Marc David
Examiner Name	Alam, Shahid Al
Group Art Unit	2172

RECEIVED**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None☒ Deposit AccountDeposit Account Number
06-1135
Deposit Account Name
Fitch, Even, Tabin & Flannery

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					\$00.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	-20**=	Extra Claims	X	Fee from below	=	Fee Paid
Independent Claims	-3**=		X		=	
Multiple Dependent					=	

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	86	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple dependent claim, if not paid	
1204	86	2204	43	**Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					\$00.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	\$330.
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify)					

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) \$330.00**SUBMITTED BY**

Name (Print/Type)	Richard E. Wawrzyniak	Registration No. (Attorney/Agent)	36,048	Telephone	858-552-1311
Signature				Date	11/21/03

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization of PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 37 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450 Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.